IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORIGINAL SIDE

NOTICE OF MOTION NO.2329 OF 2004
IN
APPEAL NO. 501 OF 2004
IN
NOTICE OF MOTION NO.1813 OF 2004
IN
SUIT NO.1738 OF 12004

1. Anekant Enterprises & Anr. Appellants

versus

1. Rajendra Manilal Jain & ors. Respondents

Mr. D. D. Madon with Mr. K. H. Mody i/b. M/s.S. Pathak & Co. for the appellants.

Dr.Virendra Tulzapurkar, senior counsel with Mr. P.S. Shah for the respondent no.1.

Respondent no.2 present in person.

Mr.Deshmukh, Court Receiver present.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 25th August 2004

P.C.

Heard the learned counsel for the appellants and the senior counsel for respondent no.1. We also heard the respondent no.2 in person.

2. During the pendency of appeal, the operation of the impugned order dated 26th July 2004 shall remain stayed.

3. We record and accept the statement of appellants that within 18 months from today the incomplete work of construction of the subject bungalow shall be completed.

4. We also direct that the appellants shall abide by the order dated 3rd October 2002 passed in Notice of Motion No.2862/1999 in Suit No.4863/1999. However, the appellants may apply for extension of time for completion of incomplete work except directed in aforesaid para 3 by making appropriate application in suit No.4863/1999.

5. Notice of motion stands disposed of.

(R.M. LODHA, J.)

(J.P. DEVADHAR,J.)